UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,051	07/18/2000	Robert S. Blackmore	POU920000126US1	9648

7590 03/01/2005	EXAMINER
Lawrence D Cutter	CHOUDHARY, ANITA

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ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	09/619,051	BLACKMORE ET AL.
	Examiner	**Art Unit**
	Anita Choudhary	2153

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>19 November 2004</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

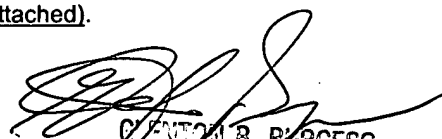   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>*1-4*</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☒ Other: <u>No amendments were made. Response to arguments are presented (see attached)</u>.

CLINTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

U.S. Patent and Trademark Office

PTOL-303 (Rev. 9-04)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 20050223

DETAILED ACTION

Response to Arguments

After final arguments were filed on 11/19/2004. No amendments to the claims have been presented. A Notice of Appeal was filed on 12/21/2004. No Appeal Brief has been filed. This is an advisory action in response to arguments and remarks made in the 11/19/2004 after final.

Applicant's arguments filed November 19, 2004 have been fully considered but they are not persuasive.

First, Applicant generally argues the third claimed step by reciting: "Nowhere in the patent to Sethuram et al. is there any teaching, disclosure or suggestion of the transfer of real address information from a receiving host system to its associated adapter" (page 7 of Applicant's Remarks). Supporting arguments are found on pages 7-8 of the Remarks.

In response to Applicant's argument against the Sethuram patent, Examiner would like to point out col. 4 lines 33-44 and col. 6 lines 44-46. Sethuram teaches the transfer of buffer address information from the receiving host device to its associated adapter. With respect to col. 7 lines 33-44, Sethuram recites: "the host device sets up free buffers 300 in the host memory 208 and creates corresponding virtual registers 301, which are also known as buffer descriptors, in the adapter local memory 204." Given this, it is clear that the host device shown by Sethuram creates virtual registers 301 in association with buffer addresses. Attention is also brought to col. 4 lines 61-64, which recites: "access the virtual register that contains the address of the corresponding buffer in the host memory." The creation of virtual registers requires the host device to transfer buffer address information to the adapter in order for an association between virtual register and buffer address to be made.

Applicant furthermore argues: "it is the teaching of Sethuram et al. that the creation of

the virtual registers is an operation that occurs at an initialization time, not during a time of data

transfer." By this it is assumed that Applicant is implying that the real address information is

transferred to the adapter **in response** to signal sent from the adapter to its associated host that

indicates that the adapter completely contains the message received. The teachings of Sethuram

make it clear that the virtual registers can be created during system operation on an "as needed"

basis (see col. 4 lines 40-44). In addition, the claims do not recite real address information

transferred to the adapter **in response** to signal sent from adapter to host (see Applicant

Remarks, page 7 last paragraph). The feature upon which applicant relies (i.e., transferring real

address information **in response** to signal sent from adapter to host) is not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Second, Applicant generally argues the fifth claimed step by reciting: "It is absolutely

cleat that the teachings of Sethuram et al. refer to notifying the host device when the complete

data message has arrived. In stark contrast, applicants' claim specifically recited a step in which

the adapter notifies the host system that the target location within the host system not contain the

message that was received" (see page 9 of Applicant's Remarks).

Examiner respectfully disagrees with Applicant's assertions. Applicant has incorrectly

characterized the Sethuram patent. Examiner fails to see any differences between the claimed

feature of the fifth claimed step and operations shown by Sethuram. As seen in col. 6 lines 54-56,

Sethuram shows the adapter notifying the host devices that the entire packed data unit has been

transmitted and received at by the host after the direct memory access transfer is stored into the

host's buffer location from the adapter.   This operation is the same as the fifth claimed step.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268.

The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita Choudhary
February 23, 2005